United States District Court Southern District of Texas

ENTERED

May 16, 2022 Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS MCALLEN DIVISION

HECTOR J. GONZALEZ,	§
	§
Movant,	§
	§
VS.	§
	§ CIVIL ACTION NO. 7:20-CV-00422
KILOLO KIJAKAZI, ACTING	§
COMMISSIONER OF THE SOCIAL	§
SECURITY ADMINISTRATION,	§
	§
Respondent.	§

ORDER

Pending before the Court is Plaintiff Hector J. Gonzalez's action pursuant to 42 U.S.C. § 405(g) seeking review of denial of his application for disability benefits, which had been referred to the Magistrate Court for a report and recommendation. On March 30, 2022, the Magistrate Court issued the Report and Recommendation, recommending that Defendant's Motion for Summary Judgment be granted, that Plaintiff's Motion for Summary Judgment be denied, and that this action be dismissed with prejudice. The time for filing objections has passed and no objections have been filed.

Pursuant to Federal Rule of Civil Procedure 72(b), the Court has reviewed the Report and Recommendation for clear error.⁴ Finding no clear error, the Court adopts the Report and

¹ Dkt. No. 1.

² Dkt. No. 19.

³ Plaintiff filed certain medical records after issuance of the Report and Recommendation but the records were not accompanied by any brief.

⁴As noted by the Fifth Circuit, "[t]he advisory committee's note to Rule 72(b) states that, '[w]hen no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Douglas v. United Servs. Auto Ass'n, 79 F.3d 1415, 1420 (5th Cir. 1996) (quoting FED. R. CIV. P. 72(b) advisory committee's note (1983)) *superseded by statute on other grounds by* 28 U.S.C. § 636(b)(1), *as stated in* ACS Recovery Sevs., Inc. v. Griffin, No. 11-40446, 2012 WL 1071216, at *7 n.5 (5th Cir. April 2,2012).

Recommendation in its entirety. Accordingly, it is hereby **ORDERED** that Defendant's Motion for Summary Judgment is **GRANTED**,⁵ that Plaintiff's Motion for Summary Judgment is **DENIED**,⁶ and that this action is **DISMISSED** with prejudice.

IT IS SO ORDERED.

DONE at McAllen, Texas, this 16th day of May 2022.

Micaela Alvarez United States District Judge

⁵ Dkt. No. 17.

⁶ Dkt. No. 16.